

CHARLES BUNTON, JR. and)
TONYA BUNTON,)
))
Plaintiffs,)
))
vs.) Case No. 4:05CV246 HEA
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TRANSAM TRUCKING INC.,)
))
Defendant.)

This matter is before the Court on Plaintiffs' Motion to Remand, [#11]. Defendant has not responded to the motion. Plaintiffs state that Defendant removed this case on the basis of diversity, yet Defendant incorrectly asserted in its removal that TransAm Trucking is a Kansas corporation. Defendant subsequently filed a memorandum stating that TransAm is, in fact, incorporated in the State of Missouri. Because Plaintiffs and Defendant are both Missouri residents, there is no diversity of citizenship and the action is not removable pursuant to 28 U.S.C. § 1332. There exists no other basis for removal in this cause of action, and this Court does not have jurisdiction under 28 U.S.C. § 1441. Additionally, Plaintiffs have advised the Court that Defendant has no objection to Plaintiff's motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Remand, [#11] is granted.

Dated this 29th day of June, 2005.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", written over a light gray rectangular background.

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HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE